

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: SCOTT E. BOATMAN et al  
Appln. No.: 09/848,742  
Filed: May 3, 2001  
For: MEDICAL DEVICE INCLUDING  
UNITARY, CONTINUOUS  
PORTION OF VARYING  
DUROMETER

Examiner: C. S. Williams  
Art Unit: 3763

Attorney Docket No: 8627-189

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## RESPONSE TO ELECTION REQUIREMENT

Sir:

This communication is in response to the Office Action, paper No. 13, mailed December 2, 2003, in connection with the above-mentioned application.

**Election Requirement**

In the Office Action, the Examiner is requiring (under 35 U.S.C. § 121) Applicants to identify the species for prosecution on the merits and to which the claims shall be restricted if no generic claim is held to be allowable. The Examiner identifies groups of species of the claimed invention as follows:

- |                 |                  |
|-----------------|------------------|
| a. Figures 1-3; | d. Figure 6;     |
| b. Figure 4;    | e. Figure 7;     |
| c. Figure 5;    | f. Figure 8; and |
|                 | g. Figure 9.     |

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**Election of Species**

Applicants herein elect to prosecute the present application on the basis of species of group "b" as identified in Figure 4.

**Claims Readable on Elected Species**

In reviewing the claims of the application, the Applicants assert that claims 1, 4, 6, 8, 9, 14-16, and 19-35 are readable upon the elected species of group b (Figure 4). Claims 1, 4, 8, and 15 are considered generic.

**Conclusion**

This Reply to the Election Requirement is believed to be in complete and full response as required under 35 U.S.C. §121. Examination of the application in accordance with the election presented above is, accordingly, respectfully requested. If the Examiner believes that a direct conversation with the undersigned would be beneficial in connection with this response or in connection with further prosecution of this application, the Examiner is respectfully invited to telephone the undersigned at (734) 302-6000.

Applicants note that the Transmittal to which this paper is attached includes a Certificate of Mailing under 37 C.F.R §1.8; and a fee statement calculating any fee(s) presently due in connection with the filing of this paper, along with an authorization to charge any fee deficiency to Deposit Account No. 23-1925.

Respectfully submitted,

January 2, 2004

Date



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